

## **TOWN OF DUNE ACRES COUNCIL MINUTES**

The Town of Dune Acres Town Council met for its regular monthly meeting on Tuesday, June 19, 2007 at the Town Hall. Council President John Wilhelm called the meeting to order at 7:00 pm with Councilpersons Louise Roberts, Ben Bolton, Clerk-Treasurer Beverly Hubbs, Deputy Clerk/Treasurer Sherry King, Town Attorney Dan Whitten and associate Stacey Whitten in attendance. John Wilhelm opened the meeting with the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

Louise Roberts moved that the minutes for May 15, 2007 be approved. Ben Bolton seconded, and the minutes were unanimously approved as presented.

### **FINANCIAL REPORT AS OF May 31, 2007:**

Porter Bank – Checking	\$ 216049.39
Horizon Bank 90 Day CD	\$ 57349.23
Chase Bank - Savings	\$ 134914.32
Adjustment	\$ 217.14
Record Balance	\$ 408530.59

Ben Bolton moved that the financial report be accepted as presented. Louise Roberts seconded, and the financial report was accepted unanimously.

### **PAYMENT OF CLAIMS:**

There was a bill for \$12948.00 from Lake & Porter County Asphalt added to the Claims. Ben Bolton moved that the claims for June 2007 in the amount of \$61,550.64 be accepted. Louise Roberts seconded and the motion passed. (See attachment)

### **CORRESPONDENCE**

There were numerous letters received concerning the Richardson Wildlife Sanctuary. They were duplicated and available at the meeting for anyone who wanted to read them. They will also be attached to the minutes at the office in the minutes' book.

G.R.O.W. Quilters requested a copy of our Town logo to be added to two quilts: one to be displayed and one to be auctioned off. It was agreed to send a copy of our logo.

### **COMMISSION REPORTS:**

#### **MUNICIPAL CODE: Bill Nixon**

Quite a few changes are accumulating and should be ready for revision in early September. John Wilhelm urged the commissioners to submit their ideas and suggestions to Bill.

#### **ROADS & ENGINEERING: Irv Call**

Road work is finished for this year. Aspen, Cypress, West Road, Ridge, and Circle were partially paved.

#### **CLUBHOUSE: Jeff Swoger**

The fire suppression is up and running. A new window was purchased for the north window on the 3<sup>rd</sup> floor.

#### **BUILDING: John Sullivan**

There were a number of residences that are either finished or almost finished: Bapst, Brewer, Gates, Hawksworth, Kramer, Crewe – started, McCahill, Mellen, Phelps, & Quinn. There is still no portable toilet at the Hull construction site.

#### **MAINTENANCE: Mike Konopacki**

Mike reported that there was nothing new going. Louise Roberts informed him that there was still water coming in on the floor in the Town Hall, from the warming room.

#### **POLICE: Cecilia Call**

The tires on the town vehicle were changed. She suggested putting memos out about roadside parking passes for those residents who do not have enough parking spaces for events they may be giving, making it clear the pass is just for as long as the event lasts. She also voiced her concern over security at the Richardson's Wildlife Sanctuary.

#### **ENVIRONMENT: Cheryl Evans**

Bittersweet Grant Account balance is \$5,338.41. Greg is still working on garlic mustard removal. . She reported that there are a number of dead fir trees on Town property. John Wilhem said that she should use her judgment and authority to decide which one should be removed. Lou Roberts remarked that there are a lot of dead pines on East Road and it is a great idea to remove them. John Wilhelm observed that the Jack Pines are particularly stressed for water and have been dying.

SIGNS: Jeff Swoger

He has the signs and apologized for the street signs being down before the new ones were up, but there was a back order on blanks and brackets. They were delivered today. All will go up as soon as possible. He thanked Ray Tittle, Bob Hartmann, Mike Konopacki, and Harold King for their work. Also, Ryan Jackson, the young man who did the laser work has submitted a partial bill, it was a great job.

WATER: Ben Bolton

Ben met with Porter Fire Chief Lewis Craig for replacement of hydrants on the new Ridge water main. Chief Craig made some suggested changes. IAWC is going to replace existing galvanized lines with PVC. It is IAWC's goal to finish the work this year.

4<sup>TH</sup> JULY: Linda Swoger

The invitation went out last weekend. This year they are going to sell tickets for the hot dog roast at the parade. . They plan to have a canopy at the beach with tables and chairs. Evening meals will be reserved and seats assigned. They are still in need of bartenders.

OLD BUSINESS:

There was a lengthy discussion of the plans for the use of the Richard Wildlife property and for the work that has been done on that property since the residence was removed. The Plan Commission determined that the Richardson Wildlife organization is within the permit that was issued at the time they demolished the house. That decision was appealed to the BZA, which has not yet met. Bob Hartmann recused himself from this hearing. John Wilhelm said if it is possible to temporarily name a replacement he would name Mike Swygert to be a member of the BZA.

Those who spoke about the issue were the following:

Cheryl Evans, 70 West Road  
Charles Chuman, 64 East Road  
Don Koehler, 20 Crest Drive  
Howard Silverman, 21 Ridge Drive  
Terry Grimm, 22 Circle Drive  
Alex Stemer, 46 East Road  
Daniel Vittum, 2 Summit Drive  
Linda Silverman, 21 Ridge Drive  
Bob Evans, 70 West Road  
Mary Chuman, 64 East Road  
Cecilia Call, 9 East Road

Most urged the Town Council to act to enforce Town ordinances and stop all activity at the site. Other questions concerned the tax exempt status of the property, working to make the Town roads private, the issue of "non-conforming use" when the use has now changed, and looking for an older Town Ordinance which may be in storage.

After long discussion Dan Whitten, Town Attorney, suggested that the Council instruct him to send a certified letter to the Richardson Wildlife organization to cease all further activity at the site until the BZA meets. There was consensus of the Council members to instruct him to do so. He also suggested that he meet with Cheryl Evans, who has gathered many historical documents and facts, so that he can give the Town his best judgment about whether this "non-conforming use" is legal.

NEW BUSINESS:

Ordinance 2007-2 "An Ordinance of the Town Council of the Town of Dune Acres, Indiana Amending the Title of Chapter 18 and Adding Sections 3, 4, 5, 6, 7, and 8 to Article II Entitled Consumer Fireworks" was read. Lou Roberts moved to adopt the ordinance, Ben seconded and the motion passed. Lou Roberts then moved to set aside the second reading of the ordinance, Ben seconded, and the motion passed. The second reading was by title only. Ben moved to adopt the ordinance, Lou seconded and the motion passed. John Wilhelm asked the Clerk's office to publish it immediately so that it would be in effect for the holiday.

Ordinance 2007-3 "An Ordinance of the Town Council of the Town of Dune Acres, Indiana Amending Chapter 14, Article II Environmental Preservation, by the Addition of Section 25 Entitled Placing and Removal of Garbage, Recycling, Refuse, and Rubbish Containers" was read. Lou moved to approve the first reading, Ben seconded. Discussion followed. Lou said that it should state that containers shall not be visible from the street. John Wilhelm said that suggestions should be made to the Clerk so that they can be incorporated before the second reading of the ordinance. He thanked Howard Silverman for his efforts on this issue. After discussion the motion to approve on first reading passed.

Resolution 2007-2 "2007 Vacation Pay Resolution". Sherry King, Deputy Clerk Treasurer read the details of vacation pay for Town employees but noted that she had left herself out. She is eligible for 1 week. Lou Roberts moved the resolution be approved as amended, Ben seconded, and the motion passed.

OTHER BUSINESS:

Tom Cornwell questioned whether consumer fireworks could be used anywhere in town. The answer was "yes." He also remarked that some live trees have been cut that were not really dead and that the blowout on East Road may become active and needs to be protected. He said that there is a drainage problem between Cornwells and Chermels and said he thought there was a dry well plan. Cheryl Evans remarked

that the cottonwood tree had been removed to facilitate putting in the dry well. John Wilhelm asked Irv Call to call Mr. Hannon to see if he still has the plan that he drew up for that dry well. He also asked Cheryl Evans to look at the blowout and consider what can be done to keep the dune from becoming live.

Howard Silverman remarked on the condition of Ridge Road between the Hayes and Mellon houses. Ben said that a new water line will be put in this summer and they want to wait for repairs until that work is done. He also said that the orange and blue pavement markings around town are part of the project to replace the remaining galvanized lines.

Cecilia Call was questioned about the purpose of car counters along the road. She said that it gives us an idea of the usage of the roads and also checks the speed of traffic.

Charles Chuman thanked the council for the action taken concerning Richardson Wildlife.

The meeting was adjourned at 8:15 p.m.

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JOHN WILHELM, Town Council President

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LOU ROBERTS, Town Council Member

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BENJAMIN BOLTON, Town Council Member

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Beverly Hubbs, Clerk-Treasurer

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Sherry King, Deputy Clerk-Treasurer